

indicated in the conditions described; (2) in that it was fabricated from two or more ingredients and its label failed to bear prominently placed thereon the common or usual name of each ingredient and an accurate statement of the quantity of the contents with such conspicuousness (as compared with other words and statements on the label) as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and (3) in that it did not purport to be and was not represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and its label failed to bear the common or usual name of the food.

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4246. Adulteration and misbranding of Hemo. U. S. v. 19 Cases of Borden's Hemo. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 8022. Sample No. 7303-F.)

On August 1, 1942, the United States attorney for the District of Minnesota filed a libel against 19 cases of the above named product at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 10 and June 25, 1942, by the Borden Co. from Waukesha, Wis.; and charging that it was adulterated and misbranded. The article was labeled in part: "Borden's Hemo Vitamin and Mineral Fortified Preparation for Malted Drinks (Chocolate Flavored)."

It was alleged to be adulterated in that the valuable constituents, calcium and phosphorus, had been in whole or in part abstracted or omitted therefrom.

It was alleged to be misbranded in that the statements on the label "Composition by Assay of Chocolate Flavored Hemo per Ounce * * * Calcium 0.564 Gram, Phosphorus 0.690 Gram * * * Each serving ($\frac{2}{3}$ ounce or 2 heaping teaspoonfuls) contains approximately one-half of the daily minimum requirements of adults for * * * calcium, phosphorus," were false since it contained less than 0.564 gram of calcium per ounce and less than 0.690 gram of phosphorus per ounce, and each serving of $\frac{2}{3}$ ounce or 2 heaping teaspoonfuls would contain less than one-half of the minimum daily requirements of adults for calcium and phosphorus.

It was alleged to be misbranded further in that certain statements in the labeling which represented that it is practically impossible to obtain sufficient vitamins and minerals except through the use of the article or a similar one; that convalescents, children, old people, dieting women, and others could assure themselves of their quota of essential vitamins and minerals by its use; that greater vigor and vitality would be the result of its use; and that low resistance, frequent colds, impaired nerves, poor appetite, poor digestion, low energy, faulty bone structure, poor teeth, general weakness, low vitality, nutritional anemia, paleness, and poor bones could be prevented or corrected by its use, were false and misleading since it is not practically impossible to obtain sufficient vitamins and minerals except through the use of such an article, and its use would not produce the results claimed in such statements.

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

4247. Misbranding of Vita Might capsules. U. S. v. 9 Packages of Vita Might Capsules and 2 Cartons of Circulars. Default decree of condemnation and destruction. (F. D. C. No. 7509. Sample Nos. 80174-E, 80175-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter. A portion (black capsules) contained smaller amounts of minerals than declared.

On May 14, 1942, the United States attorney for the Northern District of Ohio, filed a libel against 9 packages of Vita Might Capsules, and 2 cartons each containing approximately 1,500 circulars entitled "What Vitamins on the Job Can Do for You," at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or or about February 28, 1942, by the Vita Foods Corporation from Chicago, Ill.; and charging that it was misbranded.

Examination showed that the product consisted of red capsules containing vitamins and black capsules containing minerals. Analysis of a sample of the black capsules showed that they contained dicalcium phosphate, peptonized iron, magnesium sulfate, manganese hypophosphite, copper peptonate, zinc sulfate, and potassium iodide. Vitamin assays of the red capsules showed that they con-